

Message Text

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ORIGIN ARA-10

INFO OCT-01 ISO-00 SCS-03 CIAE-00 DODE-00 PM-03 H-01

INR-07 L-02 NSAE-00 NSC-05 PA-01 RSC-01 PRS-01 SP-02

SS-15 EB-07 COA-01 SCA-01 DLOS-03 CG-00 DOTE-00

USIE-00 INRE-00 NSCE-00 SSO-00 COME-00 INT-05 /069 R

DRAFTED BY ARA:HWSHLAUDEMAN:KK

APPROVED BY ARA:WDROGERS

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FM SECSTATE WASHDC

TO AMEMBASSY QUITO NIACT IMMEDIATE

INFO AMCONSUL GUAYAQUIL NIACT IMMEDIATE

C O N F I D E N T I A L STATE 029384

E.O. 11652: GDS

TAGS: PFOR, EFIS, PLOS, EC, US

SUBJECT: SEIZURE OF US TUNA VESSELS

1. WE DO NOT WISH TO BE IN A POSITION OF "INSTRUCTING" THE BOAT OWNERS TO TAKE ACTION WHICH THEY MAY BELIEVE IS DETRIMENTAL TO THEIR INTERESTS. WE ARE CONTINUING TO URGE THEIR REPRESENTATIVES TO AVOID ANY ACTION WHICH MIGHT PROVOKE VIOLENCE OR GOE RETALIATION.

2. AT A MEETING THIS MORNING WITH THE DEPUTY SECRETARY, AUGUST FELANDO (ACCOMPANIED BY CONGRESSMAN BOB WILSON AMONG OTHERS) ASKED THAT THE USG INTERPOSE ITSELF BY STATIONING CONSULAR OFFICERS ABOARD THE VESSELS WITH INSTRUCTIONS TO REJECT ANY ATTEMPT BY GOE AUTHORITIES TO CONFISCATE CATCH. WE ARE REPLYING TO FELANDO AS FOLLOWS:

3. QUOTE: IN RESPONSE TO YOUR REQUEST OF THIS MORNING, THE DEPARTMENT OF STATE DOES NOT CONSIDER IT APPROPRIATE
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IN THESE CIRCUMSTANCES, OR CONSISTENT WITH NORMAL CONSULAR

PRACTICE TO STATION ITS CONSULAR OFFICERS IN SUCH A WAY AS TO SEEK TO RESTRAIN ECUADOREAN AUTHORITIES FROM ENFORCING ECUADOREAN LAW WITHIN ECUADOREAN TERRITORY.

HOWEVER, THE DEPARTMENT IS INSTRUCTING OUR AMBASSADOR IN QUITO TO STATION CONSULAR PERSONNEL IN SALINAS AND MANTA SO THAT THEY WILL BE IN A POSITION TO WITNESS ANY ACTION TAKEN BY THE ECUADOREAN AUTHORITIES WITH RESPECT TO THE VESSELS, CREWS, OR CONFISCATION OF THE CATCH.

THE U.S. GOVERNMENT HAD MADE CLEAR TO THE GOVERNMENT OF ECUADOR ITS POSITION THAT THESE SEIZURES OF U.S. TUNA VESSELS VIOLATE INTERNATIONAL LAW. HOWEVER, THE U.S. GOVERNMENT IS NOT IN A POSITION TO ATTEMPT PHYSICALLY TO RESTRAIN OFFICIALS OF THE GOE FROM CARRYING OUT ECUADOREAN LAW AND ADMINISTRATIVE DECISIONS WITHIN ECUADOREAN TERRITORY. WHILE WE FULLY SYMPATHIZE WITH THE EXTREMELY DIFFICULT POSITION WITH WHICH THE AMERICAN FISHERMEN FIND THEMSELVES, WE DO NOT BELIEVE THAT THEIR INTERESTS WOULD BE SERVED BY ACTIONS WHICH COULD LEAD TO VIOLENCE OR TO RETALIATION BY THE GOE. THE DEPARTMENT IS EXPLORING THE VARIOUS LEGAL MEANS BY WHICH WE MAY ASSIST IN PROTECTING THEIR RIGHTS AND IN FINDING A SATISFACTORY SOLUTION TO THE UNDERLYING PROBLEM. END QUOTE.

4. YOU SHOULD DETAIL ASAP AS MANY OFFICERS AS MAY BE NECESSARY TO FULFILL THE "WITNESS" COMMITMENT TO FELANDO. YOU SHOULD ALSO CONTINUE THE EFFORT TO PERSUADE THE CAPTAINS AND CREWS THAT CONTAMINATING THE CATCH OR ATTEMPTING TO ESCAPE ECUADOREAN CUSTODY WILL NOT SERVE THEIR INTERESTS. KISSINGER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TUNA, SHIP DETENTION, INSTRUCTIONS, FISHING BOATS, NEGOTIATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 08 FEB 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE029384
Document Source: CORE
Document Unique ID: 00
Drafter: HWSHLAUDEMAN:KK
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750046-0453
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750259/aaaacbjel
Line Count: 93
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN ARA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 10 SEP 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <10 SEP 2003 by ElyME>; APPROVED <04 NOV 2003 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: SEIZURE OF US TUNA VESSELS
TAGS: PFOR, EFIS, PLOS, EC, US
To: QUITO
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006